REMARKS

Favorable reconsideration of this application is respectfully requested in view of amendments above and the following remarks. Claims 1-31 are canceled. Claims 32-48 are pending in the present application of which claims 32, 35, 40, 43 and 46 are independent.

Claims 40-47 were rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter.

Claims 32-33, 35-36, 38, 39, 40-41, 43-44 and 46-47 were rejected under 35 U.S.C. §102(e) as being anticipated by Barnard et al. (US Pub No. 2003/0005100), hereafter "Barnard".

Claims 34, 37, 42 and 45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Barnard as applied to claims 36, 41, 44, and 47, and in further view of what was well known in the art at the time of the invention.

Claim Rejection Under 35 U.S.C. §101

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 40-47 were rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. The rejection asserts that the claimed server arrangement and the claimed computer network can be interpreted as software alone, and thus claims 40-47 are non-statutory. Independent claims 40, 43 and 46 are amended to recite a processor. Accordingly, these claims are not directed to software alone and are tied to another statutory class. Furthermore, the claims recite

network nodes, which also renders the claims tied to another statutory class. Thus, claims 40-47 are believed to be statutory, and withdrawal of the rejection is requested.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

> Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 32-33, 35-36, 38, 39, 40-41, 43-44 and 46-47 were rejected under 35 U.S.C. §102(e) as being anticipated by Barnard et al. (US Pub No. 2003/0005100), hereafter "Barnard".

Independent claims 32, 35, 40, 43 and 46

Claim 32 recites,

> the discovery portion responding to the discovery request applied to the discovery portion by the network portion by storing the

> assigned address of the particular node and initiating a discovery program that performs a discovery procedure for that particular node in response to the supplying of the discovery request and the assigned address of the particular node to the discovery portion;
>
> the discovery procedure for the particular node including polling other nodes in the network to determine a network topography, the polled network typography including at least some of the other nodes to which the particular node is connected, and the configuration of the particular node.

Barnard fails to teach performing a discovery procedure in response to a discovery request for a particular node, wherein the discovery procedure includes polling other nodes in the network.

The rejection asserts the discovery procedure is disclosed in paragraph 77 of Barnard. Paragraph 77 of Barnard discloses sending an SNMP message only to the IP address of the printer 18. Barnard does not disclose sending an SNMP message to other nodes or printers in response to a discovery request for the printer 18.

Barnard also fails to teach determining a network topology including at least some of the other nodes to which the particular node is connected. Barnard does not disclose determining a network topology of the connected printers identifying which printers are connected to the printer 18.

Claim 32 also recites,

> the network portion supplying the discovery request and the assigned address of the particular node to the discovery portion only after the network portion has determined that the particular node is an authentic node of the network.

The rejection alleges the authentication is disclosed in paragraph 74, limes 30-35 of Barnard. Paragraph 74 lines 30-35 of Barnard discloses that a DHCP server notifies a discovery module 84 when the printing device acknowledges an assigned IP address. An acknowledgement of an assigned IP address does not include determining whether a particular node is an authentic node of the network. Instead, it is only acknowledgement that the printer has received the IP address that was sent to it by the DHCP server. No authentication is performed. Also, Barnard does not teach supplying a discovery request in response to determining a particular node is an authentic node of the network.

Independent claims 35, 40, 43 and 46 recite features similar to the features of claim 32 described above which are not taught by Barnard.

Dependent claim 48

Dependent claim 48 recites,

the logon dialog being the initial request;

the network portion of the server arrangement responding to the logon dialog from the portable computer by determining if the portable computer is an authentic node of the network;

the server arrangement, when connected to the portable computer that is an authentic node, functioning as a domain controller for the portable computer.

Barnard fails to teach performing the steps in claim 48 in response to a login request from a portable computer. Barnard does not disclose a portable computer and the printers of Barnard are not logging into the network.

Accordingly, withdrawal of this rejection and allowance of the claims are respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a)

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex Inc.*, 550 U.S._, 82 USPQ2d 1385 (2007):

> "Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented." Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

As set forth in MPEP 2143.03, to ascertain the differences between the prior art and the claims at issue, "[a]ll claim limitations must be considered" because "all words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385. According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the *Graham* factual inquiries are resolved, there must be a determination of whether the claimed invention would have been obvious to one of ordinary skill in the art based on any one of the following proper rationales:

> (A) Combining prior art elements according to known methods to yield predictable results; (B) Simple substitution of one known element for another to obtain predictable results; (C) Use of known technique to improve similar devices (methods, or products) in the same way; (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (E) ''Obvious to try''—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; (G) Some teaching, suggestion, or motivation in the prior art that

> would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S._, 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006), "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasonings with some rational underpinning to support the legal conclusion of obviousness."

Therefore, if the above-identified criteria and rationales are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 34, 37, 42 and 45

Claims 34, 37, 42 and 45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Barnard as applied to claims 36, 41, 44, and 47, and in further view of what was well known in the art at the time of the invention.

Claim 34 recites, "wherein the sequence of assigned addresses is stored as a stack that the discovery portion processes in first-in-first-out order." This feature is not taught by Barnard as admitted in the rejection. Furthermore, the Official Notice is traversed that the claimed features are well known. Applicants do not dispute that a FIFO buffer is not well known. However, the claim recites storing the sequence of received assigned addresses in a FIFO stack. As described in paragraph 77 of Barnard, the SNMP message is only sent to the printer 18 and not to all the printers at one time. Thus, there is no need to use a FIFO buffer in Barnard because Barnard does not receive a sequence of assigned addresses. Instead, in Barnard, IP address and printer

information is received and stored at the server, one at a time. Accordingly, withdrawal of this rejection and allowance of the claims are respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: April 9, 2009 By

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